



OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

DECISION MEMORANDUM

SUBJECT: Amended Project-Specific Availability Waiver of American Iron and Steel Requirements to the City of Petersburg, Virginia for 30-Inch Plug Valves

FROM: Andrew Sawyers, Director

Decision: The U.S. Environmental Protection Agency is hereby granting a project waiver pursuant to the “American Iron and Steel” (AIS) requirements of the Clean Water Act Section 608 under the authority of Section 608(c)(2) to the City of Petersburg, Virginia (Applicant) for 30-inch plug valves. This waiver permits the use of these valves, manufactured outside of the United States, in the Poor Creek Force Main project, because no domestic manufacturers produce alternatives that meet the technical specifications of the project.

This waiver applies only to the proposed project funded by the Clean Water State Revolving Fund (CWSRF). Any other jurisdiction with projects funded by either the CWSRF, the Drinking Water State Revolving Fund, or the Water Infrastructure Finance and Innovation Act that wishes to use the same products must apply for a separate waiver.

Rationale: Section 608 of the Clean Water Act requires CWSRF assistance recipients for treatment works projects to use specific iron and steel products that are produced in the United States. The EPA has the authority to determine whether it is necessary to waive this requirement based on certain circumstances set forth in Section 608(c) of the Clean Water Act. The provision states that, “[the requirements] shall not apply in any case or category of cases in which the Administrator [of the EPA] finds that – . . . (2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality.”

Background of Waiver Request: The Applicant provided information to the EPA asserting that there are no domestic manufacturers producing 2-inch and 3-inch air release valves and 30-inch plug valves in sufficient and reasonably available quantities and of a satisfactory quality. The valves will be used in the Applicant’s project to expand the pump station’s capacity from 12 to over 17 million gallons per day peak flow to accommodate increased development in the service area.

Assessment of Waiver Request: Of note, the original waiver request included two additional plug valve sizes, 20-inch and 24-inch, for which the EPA identified domestic products. The EPA conducted market research and a public comment period on the supply and availability of the air release valves and plug valves. The basis of evaluation included thorough review of the waiver request submission, examination of domestic manufacturer catalogs or other technical data and marketing materials, personal communication with domestic manufacturers, inquiries of state staff, and outreach to contractors and engineers with expertise and familiarity with the project. During market research, the EPA contacted eleven (11) air release valve manufacturers and suppliers. One (1) manufacturer initially stated they could make the AIS-compliant air release valves. Upon further communications between the Applicant and manufacturer in February 2025, the Applicant indicated to the EPA that the proposed product was unable to meet the technical specifications of the air release valves needed for the project. The EPA also contacted ten (10) plug valve manufacturers and suppliers. Two (2) of the manufacturers initially stated they could make the AIS-compliant plug valves; however, the lead times were up to 28 weeks. Because the project has already experienced delays and the plug valves are needed onsite by June 2025, this lead time would cause significant additional delay to the project.

The EPA received two (2) public comments to the waiver request; one (1) from the air release valve manufacturer identified previously during market research and one (1) from a plug valve manufacturer. Both commenters indicated that they could provide AIS-compliant products for the project. Upon further communication between the Applicant and the air release valve manufacturer, the Applicant indicated to the EPA that the manufacturer was unable to meet the technical specifications of the project due to height restrictions at the locations that the valves would be installed. The plug valve manufacturer indicated it was able to provide 20-inch and 24-inch plug valves that were included in the original waiver request, without causing significant delay to the project. However, the 30-inch plug valve would not be available for up to 28 weeks, and this lead time would cause significant delay to the project, as discussed above.

A clarifying comment from the air release valve manufacturer was provided to the EPA on June 2, 2025, following the issuance of the original waiver. The EPA shared that information with the Applicant, and they were able to confirm that the manufacturer's AIS-compliant compact air release valves met the technical specifications of the project. Therefore, this amended waiver covers only the 30-inch plug valves.

Finding: Since the Applicant established a reasonable basis to specify the products required for this project, and because the EPA substantiated the Applicant's claim through market research that these products are not available from a manufacturer in the United States, the City of Petersburg, Virginia is hereby granted a waiver from the AIS requirements. This waiver permits the use of 30-inch plug valves, as documented in the Commonwealth of Virginia's waiver request submittal on behalf of the Applicant dated December 10, 2024.

If you have any questions concerning the contents of this memorandum, please contact the domestic preference team at CWSRFWaiver@epa.gov.